



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,680	10/22/2003	Aaron Seung-Joon Rhee	DOW-31780	6141
29423	7590	04/24/2006	EXAMINER	
WHYTE HIRSCHBOECK DUDEK S.C. 555 EAST WELLS STREET SUITE 1900 MILWAUKEE, WI 53202				DANIELS, MATTHEW J
ART UNIT		PAPER NUMBER		
		1732		

DATE MAILED: 04/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No. 10/690,680	Applicant(s) RHEE ET AL.
Examiner Matthew J. Daniels	Art Unit 1732

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 11 April 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) The period for reply expires 3 months from the mailing date of the final rejection.
 b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) They raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) They raise the issue of new matter (see NOTE below);
 - (c) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. Applicant's reply has overcome the following rejection(s): _____.

6. Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. For purposes of appeal, the proposed amendment(s): a) will not be entered, or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: _____.

Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See the enclosed response to arguments.

12. Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.

13. Other: _____.

Response to Arguments

Applicant's arguments filed 11 April 2006 have been fully considered but they are not persuasive. The arguments appear to be on the following grounds:

- a) A "cast film" has a particular meaning in the art, as shown by the attached excerpt from Principles of Polymer Systems.
- b) The cited prior art does not explicitly describe methods for making stretch wrap films, much less improving the cling force of such a film.
- c) The Applicants traverse the Examiner's statement that the film forming process of Matteodo would result in a film that would inherently have stretch wrap film properties. As evidence, USPN 6413346 teaches that the properties of stretch films are dependent on a number of variables. As is also well known in the art, stretch films are normally subjected to downstream orientation processes such as tenter frames.
- d) McKinney is the opposite of the claimed method because McKinney reduces slip and blocking. Clearly stretch wrap properties of the current invention are not inherent. Applicant's disclosure states, in contrast, that two stretch film layers should cling together with an adequate level of cling force to prevent the stretch film from unwrapping during handling and transportation.

These arguments are not persuasive for the following reasons:

- a, c) The record contains no showing of good and sufficient reasons why the evidence is necessary and was not earlier presented. Additionally, no information disclosure statement

Art Unit: 1732

containing a list of the cited documents has been presented. These documents, which are not of record, have not been considered.

b, c, d) No definition of a "stretch wrap film" has been set forth during prosecution. Therefore, in view of the broadest reasonable interpretation of this phrase, the examiner submits that any film that is capable of stretching and wrapping would fulfill the limitation. Matteodo clearly teaches a blown bubble process, and thus the film is clearly capable of stretching. In view of Matteodo's clear teaching of using the article obtained in "food applications" (4:31), the Examiner submits that it is an inherent aspect that the film is capable of wrapping. If it is Applicant's position that this would not be the case: (1) evidence would need to be presented to support Applicant's position; and (2) it would be the Examiner's position that the application contains inadequate disclosure in that there is no teaching as how to obtain the claimed properties and effects by carrying out only these steps.

In response to applicant's argument that the references fail to show common or well known features performed to produce stretch wrap films, it is noted that the features upon which applicant relies (i.e., tenter frames, etc.) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to the Applicant's arguments against McKinney, if it is Applicant's position that McKinney would not produce the same article or the claimed result: (1) evidence would need to be presented to support Applicant's position; and (2) it would be the Examiner's position that the application contains inadequate disclosure in that there is no teaching as how to obtain the claimed properties and effects by carrying out only these steps.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J. Daniels whose telephone number is (571) 272-2450. The examiner can normally be reached on Monday - Friday, 7:30 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Colaianni can be reached on (571) 272-1196. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MJD 4/20/06

MJD

Mark Eashoo

MARK EASHOO, PH.D
PRIMARY EXAMINER

4/20/06